

**CITY OF FITCHBURG  
CONSERVATION COMMISSION  
MEETING MINUTES**

**TUESDAY, JUNE 30, 2009**

**COMMISSIONERS IN ATTENDANCE:** Tom Starr, Chairman, Mike Donnelly, Harry Karis, John Koutonen, Kevin Sanders

**STAFF IN ATTENDANCE:** Mike O'Hara, Dave Streb

**CALL TO ORDER:** Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

**PUBLIC HEARINGS**

Notice of Intent - - "Balsam Heights" 20-lot subdivision, Fisher Rd.

*(continued from May)*

Per applicant's request, continued to July meeting.

**OTHER BUSINESS:**

540 Mt. Elam Rd. - Encroachments at Coggshall Park / Bird Sanctuary (cont'd)

Ron Bouchard, John Levesque, Atty. Watts present

Continued discussion on encroachments onto Conservation Commission land.

Watts: Rhododendrons on site in question are at least 25 years old. When Bouchard bought the property the pool was in place as were some of the plantings.

Bouchard had removed some trees because of a drainage problem.

John Levesque -- there were blowdowns from storms. Bouchard had area loamed & seeded.

Harry: there has definitely been encroachment. Agreed? Yes.

What to do about it?

Watts: my client is willing to:

- Let lawn go back to natural state
- Remove planted mound
- Cut off underground sprinkler to area
- (the tree house is already gone )

John K. -- the cutting constitutes "timber trespass" (per Ch. MGL 266 sec. 113.)

Mike D. -- The Commission's policy for tree removal is \$1,000 per caliper inch. The value of the loss of trees, based on an established methodology, was \$45,000.

Harry: Therefore by his calculation there should be a fine of \$45,000.

G. Watts -- that proposal is rejected & threatened to walk out.

Kevin suggested that we ask the C. Solicitor to reduce the Commissions request in writing and send to Bouchard.

Tom: is there a way to come to some agreement that is reasonable?

G. Watts -- my client will cease the encroachments and allow the area to re-vegetate.

Agreed -- Atty. Barrett & Atty. Watts will get together work it out.

Atty. Barrett would like the methodology for how \$45K figure was arrived at.

323 Princeton Rd.

Jess Ouellette, Universal Machine present. W & B said they would have a complete print of a revised plan showing access on the Cleghorn Oil side of the building by the next meeting.

Kevin: it's an unfinished site. There's an erosion problem & silt is getting off-site.

Tom: the key for us is that he rectifies the problem.

Jess: CB in Princeton Rd. has collapsed. Disputes silt runoff – he dug hole on the Cleghorn Oil side of building to catch water.

Mike D. – He needs to button up site. Do you need a plan to rectify the erosion?

Kevin: he needs the design completed & he needs to correct the onsite conditions.

Kevin also pointed out that there's a wall on the street side instead of a slope, which is not per plan. This doesn't affect the erosion situation however. Also, there are vehicles parked near the RR underpass where it's supposed to be loamed & seeded. Also the driveway is supposed to be paved.

Kevin: you aren't supposed to open your business until the site is 70% stabilized.

Kevin: Is there a NPDES II stormwater permit ? (Every site over one acre is required to have one.)

NOI was issued June '07 - three years to complete work.

To be done: (starred items to be done first)

- \*Repair erosion controls repaired.

- \*Get construction equipment out of the area north side o site.

- \*Loam & seed that area, per plan

Submit landscaping plan

Meet w/ Jess & Kevin Whitman & Bingham on site.

Finish off rain garden according to approved plan. Need proper material (not grindings) that will infiltrate properly

Later, Jess O. asked if he could put construction equipment on the other side of the building (Cleghorn Oil side. OK for plows, but the vehicles that could drip oil must be on pavement, & must be removed from site because prox. to wetland & brook.

#### Benjamin Bldrs., Victoria Lane - Request for Certificate of Compliance (cont'd)

No one in attendance, but discussion -- Kevin read from a prepared sheet. He proposed that the Commission take no action on the Cert. of Compliance until the slumping and the side slope of Basin "A" is repaired.

Also, he is seeking a stabilization plan to control the erosion behind the homes.

Mike D – He had failed to submit an erosion & sediment control plan three years ago prior to working on the steep slope there.

Atty. Barrett: our failure to request the plan earlier does not represent a waiver of

Decided: submit an erosion control plan by the next meeting.

#### Certificates of Compliance

Issued for:

#155-223, Sheldon St., Galaxy Investments (issued previously)  
#155-536, Wachusett Development (issued previously)  
#155-512, 1330 Ashby State Rd., Adams  
#155-515, 11 King St., Fairlane Homes

#### OTHER

Newark Group, repair of Snow Mill Pond dam NOI – has been continued for many months now. Recent email rec'd from Newark Group stating they not withdrawing but will be ready to come back to the Commission next month.

Re: Riverfront park removal of floodwall, etc. Sec 401 permit issued, Dave Streb says Sec 404 permit has been approved, hasn't been sent out yet. Also need ACOE approval for the floodwall removal.

Closing on proposed Gateway Park at West & Sheldon St. closed on Monday – purchase price \$332,500. Owner is Mass Land Conservation Trust (an arm of the TTOR). Eventually will be transferred with the City.

City has closed on Conservation Restriction on northern watershed land.  
State has also closed on two parcels in Ashby & Ashburnham in the northern watershed.

Violation – vehicles and equipment parked near wetlands on Ray Ave & Woodbury St. -- "John's Lawn Service". Is on 7 ac. parcel near Baker Brook owned by City of Fitchburg Building Dept. Will contact to see owner of vehicles and send violation notice.

John Barrett said he is drafting the JCJ complaint for violation on Lots 11-14, Arn-How Farm Road. M O'Hara said he had been in contact with the Bank holding the mortgage and provided information about what need to be done to resolve the violation. They may arrange to remove the violation themselves.

Fitchburg Airport – had emergency certification issued for beaver problem several weeks ago. The Dams have been removed.

Brickyard subdivision – Commonwealth National Banks  
Auction has been postponed to Aug. 13<sup>th</sup>. Planning Board is calling in Performance Bond on the subdivision.

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned: 8:00 p.m.

Next meeting: July 28, 2009

Approved: 7-29-09